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EXHIBIT

DATE 3/19/07
300

Madame Chair and members of the committee, my name is Becky Stockton and I reside in Helena, MT.

I come before you today in opposition to SB 300. As a mother, who can and did bear children, life is the most precious thing and I would not for any reason purposefully take another person's life or mine own if I knew that I could prevent it. That is why I do wear a seat belt and inform my children and others who ride with me to also wear their seat belt because it is the law and I would not want to break that law and also it is a proven fact that some times seat belts do save lives. So why are we here today to make law abiding citizens whose only "crime" was to not use a safety device installed in their vehicles? What about the crime of aborting children? Did you know in the year of 2001, there were 784, 861 abortions performed under the Pro-Choice headline and 2,500 abortions are done in Montana each year, while only about 250 people are killed in Montana on our roadways and most of them are wearing their seat belts? Where is the outcry in saving these young innocent lives? Isn't every life important?

I would like to give you a few quotes today and I quote, "Many freedoms are not specifically mentioned in the Constitution, including the right to privacy, the right of free association, and the right to travel. The Supreme Court has consistently said that the right to privacy includes matters of marriage, family, and sex, and the right "to be free from unwarranted governmental intrusion into matters so fundamentally affecting a person as the decision to bear or beget a child. The decision whether or not to have an abortion is one of the most difficult decisions a woman will ever make. It's not my place, or the government's, to decide how she should make that choice. I don't want the government deciding who deserves to exercise the right to choose and who doesn't. It is a fundamental right of every woman. A woman's right to control her own body is fundamental to determining the course of her life. We cannot trivialize this fundamental freedom. The freedom to choose — which I believe is the greatest of human freedoms — stands proudly alongside the freedom to worship, speak and vote as a fundamental American right. And like other rights, we cannot take it for granted. It is constantly threatened — by politicians, by government, by religious extremists." These are quotes taken directly from NARAL of Montana web site, who talk openly about freedom of choice.

Why then can I not have the freedom to choose whether or not I want to wear a seat belt? It is my body and accordingly to NARAL, "a woman's right to control her own body is fundamental to determining the course of her life."

Have you heard of "Risk Compensation"? In an article, dated Nov. 30, 2006, printed in Time magazine, "The Hidden Danger of Seat Belts", published by David Bjerklie talks about this. This is what the article had to say and I quote, "John Adams, risk expert and emeritus professor of geography at University College London, was an early skeptic of the seat belt safety mantra. Adams first began to look at the numbers more than 25 years ago. What he found was that contrary to conventional wisdom, mandating the use of seat belts in 18 countries resulted in either no change or actually a net increase in road accident deaths.

The point, stresses Adams, is that drivers who feel safe may actually increase the risk that they pose to other drivers, bicyclists, pedestrians and their own passengers (while an average of 80% of drivers buckle up, only 68% of their rear-seat passengers do). And risk compensation is hardly confined to the act of driving a car. Think of a trapeze artist, suggests Adams, or a rock climber, motorcyclist or college kid on a hot date. Add some safety equipment to the equation — a net, rope, helmet or a condom respectively — and the person may try maneuvers that he or she would otherwise consider foolish. In the case of seat belts, instead of a simple, straightforward reduction in deaths, the end result is actually a more complicated redistribution of risk and fatalities. For the sake of argument, offers Adams, imagine how it might affect the behavior of drivers if a sharp stake were mounted in the middle of the steering wheel or if the bumper were packed with explosives? Perverse, yes, but it certainly provides a vivid example of how a perception of risk could modify behavior."

I have given Rep. Everett a packet of information on "Risk Compensation" and the study performed. It is quite a long study, so I chose not to make 20 copies of it, but I'm sure Rep. Everett will provide you the information for you to read it. I do have one copy today for you to look at today though.

Also did you know that a primary seat belt law has no effect on the fatality rate? New Hampshire is always in the top five or top 10 safest states in terms of fatalities and they have no law, primary or secondary for 18

and older drivers. I have provided you the statistics on New Hampshire, who does not have a seat belt law, Montana, who has a secondary seat belt law and Hawaii, who was the first state to pass a primary seat belt law from the NHTSA (National Highway Transportation Safety Association) web site. As you can see from the chart on the last page on each state that having a seat belt law does not necessarily prevent deaths. New Hampshire has the lowest rates of death on the highways than Montana and Hawaii and New Hampshire has no seat belt law.

In conclusion, proponents claim that still not enough people are using seat belts with a secondary law, so the response is to increase police powers and to make the legal penalty harsher so that there will be an increase in the usage of seat belts. According to Linda Gorman of the Independence Institute, "just how much should otherwise law-abiding citizens have to pay for failing to wear a seat belt when that activity poses no danger to others? Should it cost them their license?"

Supporters of behavior regulation often argue that government has a right to regulate behavior that poses no danger to others when those behaviors increase cost, usually medical costs, for others. By that standard activities like mountain climbing, backcountry skiing, snowmobiling, motorcycles and scuba diving would be outlawed, and everyone would be required to document 30 minutes of exercise 5 times each week.

This law is not just about seat belts. The real question is whether, and how much, government should seek to regulate the risk that a free adult chooses to incur. Trying to convince people to wear their seat belts is one thing. Requiring then to do so when educational efforts fail is quite another".

I ask the committee today to vote "NO" on SB 300.

Thank you.



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THIS STORY HAS BEEN FORMATTED FOR EASY PRINTING

Stricter seat belt bill back on table Police could stop unbuckled drivers

The Boston Globe

By Matt Viser, Globe Staff | January 2, 2006

House leaders plan to take up legislation this month to strengthen the state's seat belt laws by allowing police officers to stop drivers solely because they aren't wearing a seat belt. Massachusetts ranked 49th in seat belt compliance, slightly ahead of Mississippi, in a recent survey.

Under current state law, police are allowed to ticket drivers for failing to buckle up only if they have first been pulled over for another offense, such as speeding or an expired license tag. The bill, which has stalled twice since 2001 on rare tie votes in the House, would make the failure to use seat belts a "primary offense" and allow police to stop drivers for a seat belt infraction even if they aren't breaking any other laws.

Critics say the law would erode personal freedoms, and that it could lead to racial profiling. Proponents, including Governor Mitt Romney, say the law would increase safety, cut back on medical costs, and ultimately reduce auto insurance rates. It would also bring more federal transportation funds into the state.

"It's very simple: It's a matter of life and death," said Representative Ruth B. Balser, a Newton Democrat and a cosponsor of the bill. "It's been demonstrated when people don't wear seat belts, there are more fatalities. So if more people wear seat belts, the roads will be safer."

House Speaker Salvatore DiMasi also supports the bill and will probably bring it to the floor during the third week of this month, his spokeswoman Kimberly Haberlin said yesterday.

Representative James H. Fagan, a Democrat from Taunton who has led past fights against a primary seat belt law, said the legislation would be an invasion of privacy and would chip away at people's Constitutional rights.

"Do I think that people should wear seat belts? Absolutely," Fagan said yesterday from a cellphone in his car — where he was wearing his seat belt, he said. "But do I think we should give police officers the ability to stop people based on the suspicion that they're not wearing a seat belt? Absolutely not. People are intelligent enough to make that decision on their own, and they don't need Big Brother or the government coming in and enforcing the decisions in their lives."

Twenty-two states, as well as Puerto Rico and the District of Columbia, have primary seat belt laws; Connecticut is the only state in New England to have one. Twenty-seven states have secondary laws like the one in Massachusetts. New Hampshire is the only state with no seat belt law covering motorists over 17.

Although seat belt use in Massachusetts has risen from 50 percent to 64.8 percent over the last five years, it is still far below the national average of 82 percent, according to data based on observational surveys and released in October by the National Highway Traffic Safety Administration. The Bay State is 49th in the nation in seat belt compliance. By contrast, the study found 60.8 percent of residents surveyed in Mississippi wearing seat belts; in Hawaii, which had the highest average, 95.3 percent of residents were buckled.

At the same time, Massachusetts touts the lowest number of driving-related fatalities: There were 7.42 deaths per 100,000 residents in 2004, the lowest in the nation, according to federal data.

Tickets for not wearing a seat belt carry a \$25 fine, but unlike tickets for speeding or drunken driving, they don't go on a driver's record or affect insurance rates. The proposed law wouldn't change those provisions.

According to a study by the Insurance Institute for Highway Safety, 124 lives — or 7 percent of those who died in driving-related deaths — could have been saved from 1996 to 2003 if Massachusetts had a primary seat belt law.

Passing the legislation could also help the Bay State reap more federal dollars. Legislation signed into law by President Bush in August steers \$498 million in federal transportation funds to states that either adopt a

primary law or reach 85 percent seat belt use or higher for two years.

Seat belt regulation has been a persistent issue in Massachusetts. In 1985, legislators passed a law requiring drivers to wear seat belts, but it was repealed the next year by voters on a referendum. The Legislature again passed a seat belt law in 1994, and that time it survived a ballot challenge.

In recent years, doctors and transportation safety advocates have argued for a stronger law. But their efforts have been stifled on Beacon Hill.

In 2001 and 2003, the Legislature debated similar bills, but both times the legislation died in the House after rare tie votes. The 2003 vote elicited last-minute drama and emotional debate, with some legislators railing against the erosion of civil liberties and others telling stories of constituents who died because they were not wearing seat belts.

The Senate generally has been more supportive, approving the measure by a voice vote in 2001 before it failed in the House.

The American Civil Liberties Union of Massachusetts also opposed the measure, contending it would provide police officers with too much discretion and would potentially allow racial profiling. Carol Rose, the ACLU's executive director, could not be reached yesterday for comment.

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